



**WASHINGTON  
BEER & WINE  
WHOLESALEERS  
ASSOCIATION**

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December 17, 1990

**TO:** WBWA Wholesalers  
**FROM:** Phil Wayt  
**SUBJECT:** Proposed Advertising Regulations

As noted in the December 3rd issue of Keg & Cask, the Washington State Liquor Control Board is considering amendments to WAC 314-52-015 to further restrict advertising in the State of Washington.

The proposal amends the existing regulation as follows:

Makes it illegal to have advertising that depicts as amusing either over-consumption or state of intoxication;

Prohibits advertising which implies that the use of liquor enhances professional or social achievement. (It is already illegal to imply that consumption might enhance athletic prowess.);

Prohibits any advertising that is designed or intended to attract persons under the legal age of consumption to consume alcoholic beverages;

Prohibits having any direct association between toys or clothing in children's sizes or intended for children and brand recognition of any liquor products; and,

Adds a new section to the Washington Administrative Code which would establish penalties for violations of advertising regulations. Advertising in violation of regulations could result in suspension of a liquor license for a period of up to one year. The Board would have the authority to impose a monetary penalty in lieu of, or in addition to, the suspension for violation of the regulations.

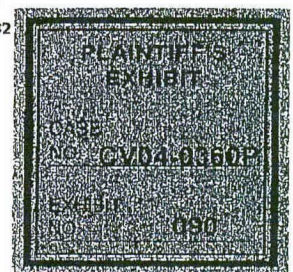
As reported earlier, WBWA, along with other entities in the beer and wine business, is strongly opposed to the regulation change.

The Board plans to vote on this proposal January 2nd.

(Over)

EXHIBIT NO. 221 Date: 8/1/05  
Deposition Of Phillip Wayt  
CONNIE CHURCH, Court Reporter

WBW-004332



It is imperative that all wholesalers immediately contact all three members of the Liquor Control Board and voice your opposition to these proposals.

Please put your opposition in writing and make it brief and to the point. Once again, please write each Board member individually and immediately. Write to Chairman Paula O'Connor, Member Bob Hanna and Member Mike Murphy. Please write immediately.

The proposed regulation changes are the product of the Washington State Medical Association and because they are so vague, could ultimately prohibit any advertising in the State of Washington. Although the Medical Association testified they are primarily interested in television advertising, the restrictions would carry over to print advertising and point-of-sale.

There are several important points that you should emphasize in communication.

1. Advertising in the State of Washington is already regulated.
2. Beer industry advertising is not targeted at underage drinkers. The industry does not want or solicit underage consumption.
3. The proposal is extremely vague, unenforceable and most likely unconstitutional.

In addition to the proposal before the Liquor Control Board, the Medical Association has already written the Board asking for even more extreme restrictions. In a December 11th letter to the Board, Dr. Abraham B. Bergman, chairman of the Medical Association's Drunk Driving Task Force, asked for further restrictions on ads depicting any identifiable public figures including past or present sports figures, musicians, actors, comedians, recreational activities, feats of daring, drinking in bars or clubs, dancing, suggestions of romantic contact, any association with motor vehicles, race tracks, speed boats, or any reference to driving and speed in connection with the product. Additionally, the Medical Association asks for elimination of any advertising with animals or mascots of any kind.

Although the examples in the last paragraph are not yet before the Board, it makes it clear that the Medical Association's intentions are to ultimately eliminate any liquor advertising.

Please immediately address your correspondence to each of the three Board members at the Washington State Liquor Control Board, 1025 East Union, Olympia, Washington 98504-2531. Please send WBWA a copy of your correspondence.

WBW-004333